

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILADELPHIA INDEMNITY
INSURANCE COMPANY,

Plaintiff,

-v-

ROSALYN YALOW CHARTER SCHOOL,

Defendant.

22-CV-7269-LTS

ORDER

Plaintiff Philadelphia Indemnity Insurance Company (“Plaintiff” or “PIIC”) brings this action against Defendant Rosalyn Yalow Charter School (“Defendant” or “Rosalyn”), in which it asserts a single count for contractual indemnification. (Docket entry no. 1 (“Compl.”).) Rosalyn has moved to dismiss the Complaint, arguing that the Court should abstain from exercising its jurisdiction under Colo. River Water Conservation Dist. v. United States, 424 U.S. 800 (1976), in light of an overlapping, pending appeal in state court, or, in the alternative, stay this action pending resolution of that appeal. (Docket entry no. 10.)

The Court has reviewed publicly-available information concerning the relevant state court appeal and notes that a decision was issued on October 26, 2023. See Nash v. Walker Mem’l Baptist Church, Inc., 220 A.D.3d 595 (N.Y. App. Div. 1st Dept 2023). The parties are each directed to submit a status update, no later than **January 17, 2024**, on whether and to what extent this decision affects their positions in connection with the instant motion to dismiss.

SO ORDERED.

Dated: New York, New York
January 3, 2024

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge